

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAY R. KAMALEDDIN,

No. C 11-1886 WHA (PR)

Petitioner,

ORDER TO SHOW CAUSE

v.

ANTHONY HEDGPETH, Warden,

Respondent.

INTRODUCTION

Petitioner, a California prisoner incarcerated at Salinas Valley State Prison, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. 2254, challenging the denial of time credits for his work in prison. He has paid the filing fee.

ANALYSIS

A. STANDARD OF REVIEW

This court may entertain a petition for writ of habeas corpus "in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. 2254(a); *Rose v. Hodges*, 423 U.S. 19, 21 (1975). Habeas corpus petitions must meet heightened pleading requirements. *McFarland v. Scott*, 512 U.S. 849, 856 (1994). An application for a federal writ of habeas corpus filed by a prisoner who is in state custody pursuant to a judgment of a state court must "specify all the grounds for relief which are available to the petitioner ... and shall

1 set forth in summary form the facts supporting each of the grounds thus specified.” Rule 2(c) of
2 the Rules Governing Section 2254 Cases, 28 U.S.C. foll. 2254. “[N]otice’ pleading is not
3 sufficient, for the petition is expected to state facts that point to a ‘real possibility of
4 constitutional error.’” Rule 4 Advisory Committee Notes (quoting *Aubut v. Maine*, 431 F.2d
5 688, 689 (1st Cir. 1970)).

6 **B. LEGAL CLAIMS**

7 As grounds for federal habeas relief, petitioner claims that the denial of “work-time
8 credits,” i.e. credits against his sentence based on his participation in prison work programs,
9 violates his rights to equal protection and due process. Petitioner’s claim, when liberally
10 construed, is cognizable.

11 **CONCLUSION**

12 1. The clerk shall mail a copy of this order and the petition with all attachments to the
13 respondent and the respondent's attorney, the Attorney General of the State of California. The
14 clerk shall also serve a copy of this order on the petitioner.

15 2. Respondent shall file with the court and serve on petitioner, within ninety days of the
16 issuance of this order, an answer conforming in all respects to Rule 5 of the Rules Governing
17 Section 2254 Cases, showing cause why a writ of habeas corpus should not be granted based on
18 the claim found cognizable herein. Respondent shall file with the answer and serve on
19 petitioner a copy of all portions of the state trial record that have been transcribed previously
20 and that are relevant to a determination of the issues presented by the petition.

21 If petitioner wishes to respond to the answer, he shall do so by filing a traverse with the
22 court and serving it on respondent within thirty days of the date the answer is filed.

23 3. Respondent may file, within ninety days, a motion to dismiss on procedural grounds
24 in lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules
25 Governing Section 2254 Cases. If respondent files such a motion, petitioner shall file with the
26 court and serve on respondent an opposition or statement of non-opposition within thirty days
27 of the date the motion is filed, and respondent shall file with the court and serve on petitioner a
28 reply within fifteen days of the date any opposition is filed.

IT IS SO ORDERED.

Wm. Abner

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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